

Message Text

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67

ORIGIN EA-09

INFO OCT-01 ISO-00 EPA-01 OES-06 ACDA-07 CEQ-01 SSO-00

NSCE-00 INRE-00 USIE-00 CIAE-00 PM-04 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 MC-02

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DRAFTED BY DOD/ISA/LEGAL DRAFTING GROUP:KA

APPROVED BY EA:RHMILLER

PM/ISO:GCHURCHILL (DRAFT)

OSD/ISA/EA/PR:KBLEAKLEY (DRAFT)

L/EA:EGVERVILLE (DRAFT)

EA/PHL:BAFLECK

EA/PHL:JELAKE

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O 302318Z JUL 76

FM SECSTATE WASHDC

TO AMEMBASSY MANILA IMMEDIATE

INFO JCS WASHDC

SECDEF WASHDC

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPPHIL

CG 13TH AF

C O N F I D E N T I A L STATE 189705

MANILA FOR USDEL, CINCPAC ALSO FOR POLAD

E.O. 11652:GDS

TAGS: MARR, RP

SUBJ: PHILIPPINE BASE NEGOTIATIONS: ENVIRONMENTAL
MEASURES

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REF: A. MANILA 10368 USDEL 126, B. BAGUIO 45

1. ENVIRONMENTAL MEASURES TEXT PROVIDED REF A WILL BE ACCEPTABLE WITH FOLLOWING MODIFICATIONS.

2. WE PREFER DELETION OF EXPRESS REFERENCE TO SUBMARINES IN FIRST SENTENCE PARA 1. WORD QUOTE VESSELS UNQUOTE CONSIDERED TO INCLUDE SUBMARINES.

3. REFERENCE IN FIRST SENTENCE PARA 1 TO U.S. OBLIGATIONS QUOTE IN OTHER AREAS UNQUOTE IS TROUBLESOME. OUR CONCERN, OF COURSE, IS ITS OPEN-ENDED EFFECT, WHICH COULD EXTEND, IN A WORST CASE SITUATION, TO ALL WATER AND TERRITORY CLAIMED BY THE PHILIPPINES IN ITS ARCHIPELAGIC CONCEPT. WE ARE REMINDED OF MENDOZA'S REFERENCE TO THE TREATY OF PARIS REPORTED IN REF B WHICH REFLECTS PHIL ARCHIPELAGIC CONCEPT. ORIGINAL PHIL LANGUAGE (QUOTE AND IN AREAS WHERE UNITED STATES VESSELS, SUBMARINES AND AIRCRAFT MAY OPERATE, TRANSIT OR MOOR UNQUOTE), ALTHOUGH MORE SPECIFIC, IS LESS OPEN-ENDED, AND THEREFORE PREFERABLE, WITH RESPECT TO POTENTIAL PHIL ARCHIPELAGIC CLAIMS. RECOGNIZING THE VALIDITY OF PHIL CONCERNS, HOWEVER, WE ARE PREPARED TO ACKNOWLEDGE U.S. OBLIGATION TO TAKE SUCH MEASURES IN AREAS WHICH ARE RECOGNIZED BY USG AS PHIL TERRITORY. WHILE WE RECOGNIZE THAT NO SUCCESSFUL FORMULATION OF THIS AGREEMENT WILL EVER COMPLETELY AVOID ALL POTENTIAL DISPUTES OVER PHIL ARCHIPELAGIC CLAIM WE HAVE MODIFIED FIRST SENTENCE TO REFLECT OUR CONCERN. FIRST SENTENCE NOW READS QUOTE THE UNITED STATES SHALL, IN COORDINATION WITH THE PHILIPPINES, TAKE APPROPRIATE MEASURES TO PREVENT POLLUTION OR CONTAMINATION OF WATERS AND THE ENVIRONMENT CAUSED BY ACTIVITIES UNDER ITS CONTROL, INCLUDING THE OPERATION OF ITS VESSELS AND AIRCRAFT, IN THE FACILITIES AND IN OTHER AREAS OF MUTUAL CONCERN UNDER THE AGREEMENT.

4. CHANGE SECOND SENTENCE PARA 1 TO READ: QUOTE WHEN NECESSARY, SUCH PREVENTIVE MEASURES SHALL, IN ADDITION, BE DIRECTED TOWARD THE PRESERVATION AND PURIFICATION OF THE ENVIRONMENT UNQUOTE. OUR MAJOR CONCERN HERE IS TO AVOID A COMMITMENT TO TAKE AFFIRMATIVE MEASURES TO QUOTE PURIFY THE PHILIPPINE ENVIRONMENT. KISSINGER
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